

RESOLUTION 2013-0903B

A Resolution of the Town Council of the Town of Otterbein, Indiana Adopting the Americans with Disabilities Act (ADA) ADA Coordinator and Procedures

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, in compliance with Title II of the ADA the **Town of Otterbein** shall name an ADA Coordinator; and

WHEREAS, in compliance with Title II of the ADA the **Town of Otterbein** shall adopt a grievance procedure for resolving complaints alleging violation of Title II of the ADA; and

WHEREAS, in compliance with Title II of the ADA the **Town of Otterbein** shall publish notice to the public regarding the ADA;

WHEREAS, in compliance with Title II of the ADA the **Town of Otterbein** shall post the ADA coordinator's name, office address, and telephone number along with the ADA Notice and ADA grievance procedure on its website.

NOW, THEREFORE, BE IT RESOLVED by the **Town Council of the Town of Otterbein, Indiana:**

The Clerk-Treasurer is designated as the ADA Coordinator for the Town.

The Notice under the Americans with Disabilities Act, a copy of which is posted to the Town's website, is adopted as the **Town of Otterbein** Notice under the Americans with Disabilities Act.

The **Town of Otterbein** ADA Grievance Procedure under the Americans with Disabilities Act, a copy of which is attached hereto, is adopted as the grievance procedure for addressing complaints alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the **Town of Otterbein**.

In compliance with Federal and State laws as set forth above, the Town Council resolves to post the required information regarding the ADA coordinator, Notice under the Americans with Disabilities Act, and **Town of Otterbein** Grievance Procedure under the Americans with Disabilities Act on its website and at such other locations as may be determined from time to time.

PASSED, APPROVED and ADOPTED by the Town Council of the Town of Otterbein, Indiana this 3rd day of September, 2013.

Ronald Shoup, President



Kevin Burk, Vice President



Leon McKinney, Member



Dirk Studebaker, Member



Doyle Allison, Member

ATTEST:



Treeva Sarles, Clerk-Treasurer

Non-discrimination Notice

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the **Town of Otterbein** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The **Town of Otterbein** does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: The **Town of Otterbein** will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in **Town of Otterbein** programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The **Town of Otterbein** will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in **Town of Battle Ground** offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the **Town of Otterbein**, should contact the office of Clerk-Treasurer, ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the **Town of Otterbein** to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the **Town of Otterbein** is not accessible to persons with disabilities should be directed to the Clerk-Treasurer, (765) 583-0089.

The **Town of Otterbein** will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Grievance Procedure under The Americans with Disabilities Act Town of Battle Ground, Indiana

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the **Town of Otterbein**. The **Town of Otterbein** Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Clerk-Treasurer
ADA Coordinator
104 E 2nd Street, PO Box 215
Otterbein, IN 47970
(765) 583-0089

Within 15 calendar days after receipt of the complaint, **Clerk-Treasurer** or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, **Clerk-Treasurer** or his designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the **Town of Otterbein** and offer options for substantive resolution of the complaint.

If the response by **Clerk-Treasurer** or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the **Town Council** or its designee.

Within 15 calendar days after receipt of the appeal, the **Town Council** or its designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the **Town Council** or its designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by **Clerk-Treasurer** or his designee, appeals to the **Town Council** or its designee, and responses from these two offices will be retained by the **Town of Otterbein** for at least three years.